

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND  
Legislative Session 2022, Legislative Day No. 5

Bill No. 14-22

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Mr. Julian E. Jones Jr., Chairman  
By Request of County Executive

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By the County Council, March 7, 2022

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A BILL  
ENTITLED

AN ACT concerning

County Code - Abatement of Public Nuisances

FOR the purpose of expanding the list of circumstances constituting a public nuisance; creating a standard for establishing prima facie evidence of a public nuisance; setting forth a property owner's appeal rights; and generally relating to procedures for abatement of a public nuisance.

BY repealing and re-enacting, with amendments

Section 13-7-501  
Article 13 – Public Health, Safety, and the Environment  
Title 7 – Nuisances  
Subtitle 5 – Padlock Law  
Baltimore County Code, 2015

BY repealing and re-enacting, with amendments

Section 13-7-502  
Article 13 – Public Health, Safety, and the Environment  
Title 7 – Nuisances  
Subtitle 5 – Padlock Law  
Baltimore County Code, 2015

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.  
[Brackets] indicate matter stricken from existing law.  
~~Strike out~~ indicates matter stricken from bill.  
Underlining indicates amendments to bill.

BY repealing and re-enacting, with amendments

Section 13-7-503

Article 13 – Public Health, Safety, and the Environment

Title 7 – Nuisances

Subtitle 5 – Padlock Law

Baltimore County Code, 2015

SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, that the Laws of Baltimore County read as follows:

ARTICLE 13 - PUBLIC HEALTH, SAFETY, AND THE ENVIRONMENT

Title 7 - Nuisances

Subtitle 5 - [Padlock Law] ABATEMENT OF PUBLIC NUISANCES

13-7-501. Definitions.

(a) In this subtitle the following words have the meanings indicated.

(b) [“Conviction” includes probation before judgment.] “CONTROLLED DANGEROUS SUBSTANCE” MEANS A SUBSTANCE LISTED IN SCHEDULE I OR SCHEDULE II UNDER STATE CRIMINAL LAW ARTICLE § 5-402 or § 5-403. HOWEVER, THE DEFINITION OF “CONTROLLED DANGEROUS SUBSTANCE” SHALL NOT INCLUDE PRODUCTS MANUFACTURED OR SOLD BY MEDICAL CANNABIS FACILITIES. SUCH FACILITIES ARE DESCRIBED IN BALTIMORE COUNTY ZONING REGULATIONS, ARTICLE 4D.

(C) “CONTROLLED PARAPHERNALIA” HAS THE MEANING STATED IN STATE CRIMINAL LAW ARTICLE § 5-101. HOWEVER, THE DEFINITION OF

1 “CONTROLLED PARAPHERNALIA” SHALL NOT INCLUDE PRODUCTS  
2 MANUFACTURED OR SOLD BY MEDICAL CANNABIS FACILITIES.

3 [(c)] (D) “County Administrative Officer” includes the County Administrative Officer’s  
4 designee.

5 (E) “CRIME OF VIOLENCE” HAS THE MEANING STATED IN STATE CRIMINAL  
6 LAW ARTICLE § 14-101.

7 [(d)] (F) “Owner” means the person in whose name a premises is recorded in the county  
8 land records.

9 [(e)] (G) “Premises” means land, a building, or any structure, or any interest in land, a  
10 building, or structure.

11 [(f)] (H) (1) “Public nuisance” means [a violation of the law relating to prostitution and  
12 lewdness, controlled dangerous substances, gambling and gaming, or possession of stolen  
13 property.] ANY PREMISES THAT, ON TWO OR MORE SEPARATE OCCASIONS WITHIN  
14 A 24 MONTH PERIOD, WERE USED:

15 (I) FOR A VIOLATION OF THE LAW RELATING TO  
16 PROSTITUTION OR ASSIGNATION, AS SUCH TERMS ARE DEFINED BY § 17-1-102 OF  
17 THE CODE;

18 (II) FOR ADULT ENTERTAINMENT THAT VIOLATES THE  
19 COUNTY CODE, LICENSING, OR ZONING REQUIREMENTS;

20 (III) BY PERSONS WHO ASSEMBLE FOR THE SPECIFIC PURPOSE  
21 OF ILLEGALLY ADMINISTERING A CONTROLLED DANGEROUS SUBSTANCE;

22 (IV) FOR THE ILLEGAL MANUFACTURE OR DISTRIBUTION OF:

23 A. A CONTROLLED DANGEROUS SUBSTANCE; OR

1 B. CONTROLLED PARAPHERNALIA;

2 (V) FOR THE ILLEGAL STORAGE OR CONCEALMENT OF A  
3 CONTROLLED DANGEROUS SUBSTANCE OR CONTROLLED PARAPHERNALIA IN  
4 SUFFICIENT QUANTITY TO REASONABLY INDICATE UNDER ALL THE  
5 CIRCUMSTANCES AN INTENT TO MANUFACTURE, DISTRIBUTE, OR DISPENSE:

6 A. A CONTROLLED DANGEROUS SUBSTANCE; OR

7 B. CONTROLLED PARAPHERNALIA;

8 (VI) FOR ILLEGAL GAMBLING;

9 (VII) FOR STORAGE OR POSSESSION OF STOLEN PROPERTY;

10 (VIII) FOR ILLEGAL STORAGE OR POSSESSION OF FIREARMS;

11 (IX) FOR FURTHERANCE OF A CRIME OF VIOLENCE;

12 (X) BY PERSONS WHO ENGAGE IN A CRIME OF VIOLENCE ON  
13 OR NEAR THE PREMISES; OR

14 (XI) FOR CRIMINAL ORGANIZATION OFFENSES PROHIBITED  
15 UNDER STATE CRIMINAL LAW TITLE 9, SUBTITLE 8.

16  
17 § 13-7-502. Authority To Order Abatement Or Closure.

18 (a) The Chief of Police may take the actions authorized under this section if within a 24  
19 month period TWO PUBLIC NUISANCE violations have occurred on a premises [that have  
20 resulted in two or more criminal convictions for public nuisances]. A REPORT BY A POLICE  
21 OFFICER, WRITTEN IN THE REGULAR COURSE OF BUSINESS, OF A PREMISES  
22 HAVING BEEN USED FOR ACTIVITIES DESCRIBED IN THE DEFINITION OF “PUBLIC

1 NUISANCE,” IS PRIMA FACIE EVIDENCE THAT A PUBLIC NUISANCE VIOLATION  
2 HAS OCCURRED ON THE PREMISES.

3 (b) Subject to the notice and hearing provisions of this subtitle, the County Chief of  
4 Police may order:

5 (1) The discontinuance of the public nuisance on the affected premises; or

6 (2) The closing of the premises to the extent necessary to abate the public  
7 nuisance.

8 (c) (1) If the premises that the Chief of Police orders to be closed consists of  
9 residential units, and the public nuisance has occurred solely within a residential unit or units,  
10 closure and abatement authority is restricted to the residential unit or units in which the public  
11 nuisance has occurred, and does not extend to any other unit in the premises.

12 (2) If the public nuisance occurs in motels, hotels, and rooming and boarding  
13 houses and rooming units as those houses and units are defined in the Baltimore County Zoning  
14 Regulations, the Chief of Police may order the closure and abatement of the entire premises.

15 (d) The closing of a premises under this subtitle shall be for a period that the Chief of  
16 Police reasonably may direct, but may not last for more than 1 year after the date of the closing.

17 (e) The Chief of Police shall vacate the provisions of the order to close a premises if an  
18 interested person:

19 (1) Posts a bond for the period of the ordered closing in an amount not exceeding  
20 the assessed value of the premises as shown in the tax assessment records of the county, prorated  
21 for the proportional assessment of units closed if less than all units in the premises are closed, but  
22 not to exceed \$1,000,000 in any case; and

1                   (2) Submits sufficient evidence to the Chief of Police that the public nuisance has  
2   been abated and will not be maintained or allowed in any unit of the premises during the period  
3   of the closing.

4                   (f) A closing of a premises under this section is not an act of possession, ownership, or  
5   control by the county.

6  
7   § 13-7-503. Notice; Hearing; Enforcement.

8                   (a) Before the Chief of Police issues an order under § 13-7-502 of this subtitle, the Chief  
9   of Police shall give to the owner, lessor, lessee, mortgagor, and mortgagee of the premises notice  
10   and an opportunity for a hearing to determine whether a public nuisance exists in the premises.

11                  (b) The notice required under this section shall state the date, place, and time of the  
12   hearing, the right of the persons who received the notice to be heard and to be represented at the  
13   hearing, the possible consequences of failure to appear, and other particulars that may be  
14   appropriate.

15                  (c) The notice required under this section shall be:

16                         (1) Given by personal service, or by certified mail to the owner, lessor, lessee,  
17   mortgagor, and mortgagee or an agent of any of these persons, or any party having a recorded  
18   interest in the premises as their name and address are recorded in the land records of the county  
19   or whose identity and address are otherwise known or readily ascertainable; and

20                         (2) Posted on the premises.

21                  (d)   (1) The hearing shall be before the County Administrative Officer.

22                         (2) The County Administrative Officer may adopt, amend, or rescind the order of  
23   the Chief of Police, in whole or in part.

1 (e) The lack of knowledge of, acquiescence or participation in, or responsibility for a  
2 public nuisance, on the part of any person who may be the owner, lessor or lessee, mortgagor,  
3 mortgagee or other interested person and all those persons in possession of or having charge of  
4 as agent or otherwise, or having any interest in the property, real or personal, used in conducting  
5 or maintaining the public nuisance, is not sufficient cause to set aside the Chief of Police's order  
6 of abatement or closure.

7 (F) IN THE EXERCISE OF DISCRETION, THE COUNTY ADMINISTRATIVE  
8 OFFICER MAY SET ASIDE THE CHIEF OF POLICE'S ORDER OF ABATEMENT OR  
9 CLOSURE, BASED ON CONSIDERATION OF THE FOLLOWING FACTORS:

- 10 (1) THE SEVERITY OF THE VIOLATIONS;  
11 (2) THE GOOD FAITH OF THE VIOLATOR IN FOLLOWING SAFETY AND  
12 SECURITY RECOMMENDATIONS MADE BY THE POLICE DEPARTMENT;  
13 (3) ANY HISTORY OF PRIOR VIOLATIONS; AND  
14 (4) THE IMPACT OF VIOLATIONS ON COMMUNITY SAFETY AND  
15 SECURITY.

16 (G) IN THE EXERCISE OF DISCRETION, AND AFTER GIVING DUE  
17 CONSIDERATION TO THE FACTORS LISTED IN SUBSECTION (F), THE COUNTY  
18 ADMINISTRATIVE OFFICER MAY APPROVE AN AGREEMENT REACHED BY THE  
19 VIOLATOR AND THE CHIEF OF POLICE.

20 [(f)] (H) Following the hearing procedure, an order of the Chief of Police issued in  
21 accordance with this subtitle as adopted or amended by the County Administrative Officer shall  
22 be posted on the premises and notice of the order shall be given to those persons and in the  
23 manner required under subsection (c) of this section.

1 (I) ANY PERSON AGGRIEVED BY THE DECISION OF THE COUNTY  
2 ADMINISTRATIVE OFFICER MAY APPEAL THE SAME TO THE OFFICE OF  
3 ADMINISTRATIVE HEARINGS BY FILING A NOTICE OF APPEAL WITH THE COUNTY  
4 ADMINISTRATIVE OFFICER WITHIN THIRTY DAYS FROM THE DATE OF THE  
5 DECISION OR ORDER OF THE COUNTY ADMINISTRATIVE OFFICER.

6 [(g)] (J) [On and after the 10th business day following] IMMEDIATELY AFTER the  
7 posting as required under subsection [(f)] (H) of this section, on the written directive of the Chief  
8 of Police, the order may be enforced.

9  
10 SECTION 2. AND BE IT FURTHER ENACTED, that this Act shall take effect 45  
11 days after its enactment.